REMARKS

Claims 41-46 have been amended.

Claims 1-40 and 47-88 have been withdrawn.

Claims 41-46 have been amended to correct an obvious typographical error by reciting "N-(aryl substituted)-naphthalimide compounds." The chemical name "N-(aryl substituted)-naphthalimide" is known in the art.

Claim 41, as amended, is directed to a method of using a metabolic phenotype to individualize a treatment regimen for a class of N-(aryl substituted)-naphthalimide compounds for an individual in need thereof comprising characterizing the metabolic phenotype of said individual; and determining a safe and therapeutically effective dose of said class of N-(aryl substituted)-naphthalimide compounds for said individual based on said metabolic phenotype of said individual, thereby individualizing the treatment regimen for said individual. Support for the amendment to Claim 41 is found, for example, in the specification at page 55, lines 16-25.

Claims 42 and 45 have been amended to correct a typographical error by reciting "amonafide." Support for the amendment is found, for example, in the specification at page 55, lines 13-15.

Claim 43, as amended, is directed to the method of claim 42, wherein said metabolic phenotype is characterized according to the method comprising administering to said individual a probe substrate specific to a metabolic pathway for said class of N-(aryl substituted)-naphthalimide compounds; detecting metabolites of said probe substrate in a biological sample from said individual in response to said probe substrate; and characterizing said metabolic phenotype of said individual based on detected metabolites. Support for the amendment to Claim 43 is found, for example, in the specification at page 55, line 16 to page 57, line 11.

Claim 44, as amended, is directed to a method of treating an individual having a condition treatable with a class of N-(aryl substituted)-naphthalimide compounds, said method comprising determining a metabolic phenotype of said individual; and administering a safe and

therapeutically effective dose of said class of N-(aryl substituted)-naphthalimide compounds to said individual, wherein said dose has been determined based on said individual's metabolic phenotype for said class of N-(aryl substituted)-naphthalimide compounds. Support for the amendment to Claim 44 is found, for example, in the specification at page 56, lines 4-16.

Claim 46, as amended, is directed to the method of claim 45, wherein said metabolic phenotype is characterized according to the method comprising administering to an individual a probe substrate specific to a metabolic pathway for said class of N-(aryl substituted)-naphthalimide compounds; detecting metabolites of said metabolic pathway in a biological sample from said individual in response to said probe substrate; and characterizing said metabolic phenotype based on detected metabolites. Support for the amendment to Claim 46 is found, for example, in the specification at page 56, line 27 to page 57, line 11 and page 62, line 20 to page 63, line 6.

No new matter has been added by the amendments. Therefore, entry of the amendments into the application is respectfully requested.

ELECTION

Responsive to the Restriction Requirement dated August 10, 2004, the claims of Group II (Claims 41-46), drawn to a method of using a multi-determinant metabolic phenotype, are elected for prosecution. Applicant reserves the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions.

Respectfully submitted
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